

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6850 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

DISTRICT DEVELOPMENT OFFICER

Versus

HAMIRBHAI PETHABHAI

C/O HIMMATSINH CHAUHAN

Appearance:

1. Special Civil Application No. 6850 of 1997
MR HS MUNSHAW for Petitioner No. 1-3
RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 19/10/2004

ORAL JUDGEMENT

Heard learned advocate Mr. Munshaw for the petitioner. Though notice of rule was served upon the respondent, the respondent has not appeared before this Court either in person or through any advocate. Therefore, the merit was examined in absence of the respondent workman.

In this petition, the petitioner has challenged

the order made by the labour court, Surendranagar in Recovery Application No. 363 to 365 of 1993 dated 8th May, 1997 wherein the labour court has granted House Rent Allowance of Rs.70.00 p.m. w.e.f. 1st August, 1988 to 30th June, 1992. The labour court has granted amount of recovery in favour of three workmen (1) Kantaben Mavjibhai; (2) Bhalabhai Mangabhai; (3) Hamirbhai Pethabhai.

During the course of hearing, it was submitted by the learned advocate Mr. Munshaw that the GR dated 17.10.1988 does not provide for payment of HRA and it was applicable to the workmen who have completed more than ten years of service. It was not applicable to the place where the workman were working because they were not covered by the resolution issued by the Finance Department. According to him, the workmen were not working at Lakhtar but they were working at Taluka Place and, therefore, they are not entitled for such amount. Except this, no other submissions were made by Mr. Munshaw nor any decisions were cited by him before this Court.

I have considered the submissions made by Mr. Munshaw before this court. I have also perused the order of the labour court in recovery application. In para 8 of the order, the labour court has discussed that each workman had completed more than five years service from 1977 to 1981. According to the GR dated 17.10.1988, any daily wager who has completed five years service or more than that is entitled for the benefit of house rent allowance and in view of that, the contention of completion of ten years service was not accepted by the labour court. According to the GR dated 17.10.1988, place Lakhtar is covered by Category A and, therefore, as per the said categorization, the workmen are entitled for the HRA of Rs.70.00 p.m. since Lakhtar is their Head Quarter. Therefore, they are entitled for the said amount from the petitioner.

According to my opinion, the labour court was right in granting the relief in favour of the respondents herein after discussing the papers on record and interpreting the GR dated 17.10.1988 which provides for payment of HRA to those workmen who have completed service of five years or more than that and Lakhtar is the Head Quarter of the workmen, covered by Category "A" City and, therefore, the labour court was right in holding that the workmen are entitled for such House Rent Allowance and in doing so, the labour court has not committed any error which would require interference of

this court while exercising the powers under Article 227 of the Constitution of India. No infirmity and/or irregularity has been pointed out by Mr. Munshaw. Therefore, there is no substance in this petition and the same is hereby dismissed. Rule is discharged. Interim relief, if any, shall stand vacated with no order as to costs.

(H.K. Rathod, J.)

Vyas